

REMARKS

This is a full and timely response to the final Office Action mailed on January 11, 2005 (Paper No./Mail Date 20050105). Claims 1-37 and 39-62 are pending in the present Application. Reconsideration and allowance of the Application and present claims are respectfully requested. Applicants should not be presumed to agree with any statements made by the Examiner regarding the rejections made in the Office Action unless otherwise specifically indicated by Applicants.

I. Response to Claim Rejections Under 35 U.S.C. § 102

Claims 1-7, 17-37, and 47-62 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application No. 2004/0221310, to *Herrington, et al.* Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 1

Claim 1, as amended, recites:

A programmable television services client device for enabling a user to search for television program information, said client device comprising:

memory for storing a first data including respective program information corresponding to a plurality of television programs, said respective program information including a first program parameter;

display configuration information contained in said memory that includes a guide arrangement for an interactive program guide (IPG), wherein said guide arrangement is configured to provide a user-selectable search option for television programs in the first data; and

a processor configured to,

provide the IPG with a first portion of the first data, said first portion including program information for respective television programs according to the initial guide arrangement,

activate the user-selectable search option responsive to the user selecting the user-selectable search option,

receive a text string from the user responsive to activating the user-selectable option, said text string being input by the user, said text string corresponding to the first program parameter,

search the first data in said memory for television programs corresponding to the received text string, and responsive to searching the first data in said memory, provide a displayed search result comprising the IPG with a second portion of the first data, said second portion including program information for at least a portion of the corresponding television programs resulting from the search.

(Emphasis Added)

Applicants respectfully submit that *Herrington* fails to disclose or teach at least the above-emphasized elements. In fact, *Herrington* provides that “the system may provide the user with an opportunity to request that the system locate programs that are related to the given program in which the user has indicated an interest. The system may locate program listings that are related to the given program. The located program listings may be related to the given program based on attributes of the given program. The system may display a list of located listings and allow the user to select listings from the list. The system may tune to a program selected from the list, may display an information display screen for a program selected from the list, etc.” (Abstract of *Herrington*). In short, *Herrington* appears to search for programs that were selected in program listing display screen 88 as shown in Figs. 3A-3C of *Herrington*.

Applicants respectfully submit that *Herrington* does not teach or disclose receiving “a text string from the user responsive to activating the user-selectable option, said text string being input by the user, said text string corresponding to the first program parameter,” as recited in claim 1. Accordingly, a prima facie case of anticipation cannot be established on *Herrington*. Thus, Applicants respectfully request that claim 1 be allowed and the objection be withdrawn.

In addition, *Herrington* fails to disclose or teach “provide the IPG with a first portion of the first data, said first portion including program information for respective television programs according to the initial guide arrangement, ...responsive to searching the first data in said memory, provide a displayed search result comprising the IPG with a second portion of the first data, said second portion including program information for at least a portion of the

corresponding television programs resulting from the search,” (Emphasis Added) as recited in claim 1. Accordingly, a prima facie case of anticipation cannot be established based on *Herrington*. Thus, Applicants respectfully request that claim 1 be allowed and the objection be withdrawn.

B. Claim 31

Claim 31, as amended, recites:

A method for implementing a programmable television services client device to enable a user to search for television program information, said method for implementing a programmable television services client device comprising the steps of:

receiving in the client device from a server device a first data including respective program information corresponding to a plurality of scheduled television programs;

storing the first data in a memory of the client device;

providing an IPG with a user-selectable search option for television programs in the first data;

responsive to the user selecting the user-selectable search option, implementing a search for television programs in the first data stored in said memory of the client corresponding to a text string received from the user, said search being limited according to a user-selected time period to television programs corresponding to the user-selected time period, wherein the user-selected time period is selected by the user from a plurality of user-selected time periods; and

responsive to implementing the search, providing a displayed search result in the IPG comprising program information from said first data corresponding to at least a portion of the television programs resulting from the search.

(Emphasis Added)

Applicants respectfully submit that *Herrington* fails to disclose or teach at least the above-emphasized elements. In fact, as mentioned above, *Herrington* appears to search using the selected television program in the program listing guide 88 and does not disclose searching using a text string received from the user. In addition, *Herrington* does not disclose “said search being limited according to a user-selected time period to television programs corresponding to the user-

selected time period, wherein the user-selected time period is selected by the user from a plurality of user-selected time periods,” as recited in claim 31. Accordingly, a prima facie case of anticipation cannot be established based on *Herrington*. Accordingly, Applicants respectfully request that claim 31 be allowed and the rejection be withdrawn.

C. Claims 2-7, 17-30, 32-37, and 47-62

Because independent claims 1 and 31 are allowable over the cited art of record, dependent claims 2-7, 17-30, 32-37, and 47-62 are allowable as a matter of law for at least the reason that dependent claims 2-7, 17-30, 32-37, and 47-62 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 2-7, 17-30, 32-37, and 47-62 should be withdrawn for at least this reason, among others.

II. Response to Claim Rejections Under 35 U.S.C. §103

In the Office Action, claims 8-16 and 38-46 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Herrington* in view of U.S. Patent No. 6,268,849, to *Boyer, et al.*

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all steps/elements/features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

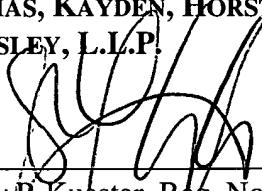
Claim 38 has been canceled without prejudice, waiver, or disclaimer. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present Application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

Because independent claims 1 and 31 are allowable over the cited art of record, dependent claims 8-16 and 39-46 are allowable as a matter of law for at least the reason that dependent claims 8-16 and 39-46 contain all features and elements of their respective independent base claims. *In re Fine*, supra. Accordingly, the rejection to dependent claims 8-16 and 39-46 should be withdrawn for at least this reason, among others.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 1-37 and 39-62 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**



Jeffrey R. Kuester, Reg. No. 34,367
Attorney for Applicants

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Parkway, NW
Atlanta, GA 30339
Ph: (770) 933 - 9500
Fax: (770) 951 - 0933